

## **Unvalidated References:**

*Land Act 1996*

*Public Curator Act 1951*

*Survey Act 1969*

*Survey Regulation 1970*

*Survey Act 1969*

*Survey Regulation 1970*

*Investment Promotion Act 1992*

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 25 October 2002.

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Legislative Counsel  
Dated 25 November 2006

**INDEPENDENT STATE OF PAPUA NEW GUINEA.**

No. 5 of 1999.

***Land Regulation 1999***



## ARRANGEMENT OF SECTIONS.

1. Interpretation.
  - “governmental body”
  - “leasehold estate”
  - “Public Curator”
2. Permitted dealings.
3. Rent.
4. Survey fees.
5. Other fees.
6. Interest payable on outstanding moneys.
7. Payment for improvements.
8. Forms.

### SCHEDULE 1

### SCHEDULE 2 – Permitted governmental bodies pursuant to Section 128 of Land Act 1996.

#### *Land Regulation 1999*

MADE by the Head of State, acting with, and in accordance with, the advice of the National Executive Council under the *Land Act 1996*.

Dated                      200    .

### 1. INTERPRETATION.

In this Regulation, unless the contrary intention appears—

“**governmental body**” means—

- (a) the National Government; or
- (b) a Provincial Government; or
- (c) any State Service;
- (d) an arm, department, agency or instrumentality of the National Government or a provincial government; or
- (e) a body established by law or by an administrative act for governmental official purposes of which the majority of shares are State owned;

“**leasehold estate**” does not include an urban development lease;

“**Public Curator**” means the Public Curator of Papua New Guinea appointed under the *Public Curator Act 1951*.

## **2. PERMITTED DEALINGS.**

(1) A disposition of or an agreement or contract to dispose of a leasehold estate—

(a) to or from—

- (i) a governmental body which is capable of acquiring, holding or disposing of land; or
- (ii) the Custodian for Trust Land; or
- (iii) the Public Curator; or

(b) to—

- (i) a citizen; or
- (ii) a land group; or
- (iii) a business group,

is a permitted dealing for the purposes of Section 128 and of the Act.

(2) A mortgage is a permitted dealing for the purposes of Section 128 of the Act.

(3) Without otherwise limiting the bodies which may be considered to be governmental bodies which are capable of acquiring, holding and disposing of and, the governmental bodies specified in Schedule 2 are declared to be such bodies for the purpose of Section (1)(a)(i).

## **3. RENT.**

(1) Subject to Sections 98, 100 and 102 of the Act, rent on a State lease is 5% of the unimproved value of the land comprised in the lease.

(2) Subject to approval of an application under Section 83(2) of the Act, rental on an owner occupied home or first home buyer property is 1% of the improved value of the land comprised in the lease.

(3) Pursuant to Section 98 of the Act, rental is not payable on a mission lease.

(4) Pursuant to Section 100(4) of the Act, rental, if any, on a special purpose lease is as deemed proper by the Minister and specified in the lease.

(5) Pursuant to Section 102(5) of the Act, rent is not payable for special agricultural and business leases.

(6) In accordance with section 83(5) of the Act, and National Executive Council decision 112/94 those non-profit making organisations exempt from the payment of rent are those as specified in a list as approved by the Minister from time to time and notified in the National Gazette.

## **4. SURVEY FEES.**

(1) Subject to Section 168 of the Act, survey fees to be paid by the successful tenderer or lessee for surveying services provided by the State in respect of State leases shall be determined by the Surveyor General in accordance with the Scale of Fees of the Association of Surveyors of Papua New Guinea as approved under its Code of Ethics referred in Sections 36 and 39A(2b) of the *Survey Act 1969* and Section 13 of the *Survey*

*Regulation 1970* or, in accordance with the fees fixed by the Minister for Lands under Section 39A(1) of the *Survey Act 1969*, whichever the case may be.

(2) No survey fees shall be recovered by the State where surveys have been carried out privately at the successful tenderer's or lessee's expense.

(3) Fees for survey plan lodgement, re-lodgement, examination and application fee for Surveyor General's approval of survey design shall be as prescribed under Schedule 2 of the *Survey Regulation 1970*.

## **5. OTHER FEES.**

The fees set out in Schedule 1 are payable in respect of the matters set out in that schedule.

## **6. INTEREST PAYABLE ON OUTSTANDING MONEYS.**

For the purposes of Section 172 of the Act, interest is payable at the rate of 9.5% per annum on the unpaid balance, calculated with daily rests.

## **7. PAYMENT FOR IMPROVEMENTS.**

For the purposes of Section 84 of the Act, payments for improvements may be spread over a period of not more than 10 years, with interest on the unpaid balance—

- (a) in the case of leases granted after 8 July 1971 (being the date of commencement of the amendment to the pre-Independence *Land Regulations* 1963 made by Statutory Instrument No. 27 of 1971—at the rate of 7½% per annum; and
- (b) in the case of any other lease—at the rate of 5% per annum, calculated with yearly rests.

## **8. FORMS.**

Pursuant to Section 174 of the Act, Approved Forms are as approved by the Minister and notified in the National Gazette.

**SCHEDULE 1**

Reg. Sec. 5

**FEEES**

<b>1. LEASE APPLICATION FEES</b>		<b>K</b>
(a)	Settlement Schemes-Agricultural and Residential Leases	20
(b)	Urban Development Leases	500
(c)	Tenders or Application for State Leases:—	
	Business/Commercial/Special Purposes	100
	Residential High Covenant	50
	Residential Low-Medium Covenant	25
	Leases over Settlement Land (Urban & Rural)	20
	Mission Leases	20
	Pastoral or Agricultural Leases	20
	Special Agricultural and Business Leases	10
(d)	Consolidation of Leases	100
(e)	Subdivision of Leases	100
<b>2. OTHER FEES</b>		
(a)	Reduction of Residential Lease Rental	50
(b)	Variation of Purpose or Relaxation of Covenant for State Leases:—	
	Business/Commercial/Special Purposes	100
	Residential High Covenant	50
	Residential Low Covenant	20
	Agriculture Lease	20
	Land Board Appeal Fees	500
(c)	Valuation Fees	50
(d)	Valuation Objection Fees	100
(e)	Land File Search Fees	20
(f)	For the making of a photographic reproduction of document in the Lands File, per page	2
(g)	Land Information Search Fee	1
<b>3. LICENCE FEES</b>		

(a)	Licence for land not in a declared township	K100 for the first 5 hectares, then K5 for each 5 hectares above the first 5 hectares.
(b)	Other licences	360
<b>4. LEASE PREPARATIONS FEES</b>		50
<b>5. CONVEYANCE CHARGES</b>		
(a)	Transfers, Contracts of Sale and Transfers, Contracts of Sales, Agreement of Sale and Transfer	50
(b)	Land dealing creating Rights, Interests Privileges in, over or in connection with land	10



**SCHEDULE 2 – PERMITTED GOVERNMENTAL BODIES PURSUANT TO  
SECTION 128 OF LAND ACT 1996.**

1. The National Government;
2. A Provincial Government;
3. An arm, department, agency or instrumentality of the National Government or a Provincial Government;
4. A body set up by statute or administrative act for government or official purposes;
5. A Local-level Government;
6. A Community Government;
7. A “government-controlled corporation” as defined in the *Investment Promotion Act 1992*;
8. Air Niugini Pty Ltd;
9. Bank of Papua New Guinea Board;
10. Cocoa Board;
11. Coffee Industry Corporation;
12. Copra Marketing Board of Papua New Guinea;
13. Defence Force Retirement Benefits Board;
14. Industrial Centres Development Corporation;
15. Investment Corporation of Papua New Guinea;
16. Investment Promotion Authority;
17. Minerals Resource Development Company Pty Ltd;
18. National Broadcasting Corporation;
19. National Cultural Centre Trust;
20. National Cultural Council;
21. National Housing Corporation;
22. National Provident Fund;
23. National Research Institute;
24. National Training Council;
25. Oil Palm Industry Corporation;
26. Papua New Guinea Banking Corporation;
- 27<sup>1</sup>. **[Repealed.]**
28. Papua New Guinea Forest Authority;

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<sup>1</sup> Schedule 2 Amended by S.R. 2006, No. 68.

29. Papua New Guinea Harbours Board;
30. Papua New Guinea Holdings Corporation;
31. Papua New Guinea Institute of Public Administration;
32. Papua New Guinea Maritime College;
33. Papua New Guinea Science and Technology Council;
34. Papua New Guinea Sports Commission;
35. Papua New Guinea Telecommunication Authority;
36. Post PNG Ltd;
37. Papua New Guinea University of Technology;
38. Public Officers Superannuation Fund Board;
39. Rural Development Bank of Papua New Guinea;
40. Small Business Development Corporation;
41. Telikom PNG Ltd;
42. Tourism Promotion Authority;
43. Trustees of the Papua New Guinea National Museum;
44. University of Papua New Guinea;
45. Waterboard.

*Land Regulation 1999*